

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHNNY CARTER,

Plaintiff,

v.

KIRK EIDE,

Defendant.

Case No. C07-5395BHS-KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.


Pursuant to 28 U.S.C. § 1915(b), a prisoner seeking to proceed *in forma pauperis* is required to submit a written acknowledgment and authorization form, authorizing the agency having custody over him to collect from his prison trust account an initial partial filing fee and subsequent monthly payments until the full filing fee is paid. On July 27, 2007, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). That same day, the Clerk sent plaintiff a letter informing him

1 that his application was deficient in that he did not provide an updated acknowledgment and authorization
2 form reflecting the fact that the Court filing fee had increased to \$350.00. (Dkt. #3). The Clerk also sent
3 plaintiff a copy of the proper acknowledgment and authorization form, and gave him until September 5,
4 2007, to complete and return it to the Court. (Dkt. #3). To date, plaintiff has not done so.

5 Accordingly, the Court orders the following:

- 6 (1) Plaintiff shall seek to cure the above deficiency by filing **no later than November 11,**
7 **2007**, a copy of the proper acknowledgment and authorization form pursuant to 28 U.S.C.
8 § 1915(b) reflecting the current Court filing fee.
9 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
10 **prosecute this matter and the Court will recommend dismissal of this matter.**
11 (2) The Clerk is directed to send a copy of this Order to plaintiff, along with the appropriate
12 acknowledgment and authorization form.

13 DATED this 12th day of October, 2007.

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17 Karen L. Strombom
18 United States Magistrate Judge
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